

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): KENNEDY, Sheila; et al.  
For: SPACE DIVISION SYSTEM  
Serial No.: 10/526,515  
Filed: March 4, 2005

**PETITION UNDER 35 U.S.C. §116 AND 37 C.F.R. §1.47(a) TO ACCEPT DECLARATIONS  
EXECUTED BY THREE SIGNING INVENTORS ON BEHALF OF THEMSELVES AND TWO  
NON-SIGNING INVENTORS, WHERE THE NON-SIGNING INVENTORS HAVE NOT BEEN  
ABLE TO BE REACHED AFTER DILIGENT EFFORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is a request to accept the prior filing of the above-identified patent application, with the application being made by three out of five inventors, on behalf of themselves and the two non-signing inventors. Applicants believe that the two non-signing joint inventors would readily join in the patent application. However, these two non-signing joint inventors have not been able to be found or reached after diligent efforts undertaken by the Applicants' representative counsel.

The following paragraphs state the relevant facts and circumstances, and should be read in conjunction with the two enclosed Affidavits attesting to the pertinent facts with regard to this application.

1. This Petition is accompanied by the appropriate Petition fee of \$200, as set forth in 37 C.F.R. §1.17(h).
2. This Petition is also accompanied by an Extension of Time fee in the amount of \$2,160.00 under 37 C.F.R. §1.17(a) (4), for the extension fee for reply within the fifth month by other than a small entity.
3. This Petition is also accompanied by the appropriate Surcharge fee of \$130 under 37 C.F.R. §1.492(e) for filing Declarations later than 30 months from the priority date, pursuant to 37 C.F.R. §1.495(c).

4. The five inventors for the patent application are as follows: Sheila Kennedy, Bill Chen-Hsun Yen, Joseph Chi-Chen Ho, Senan Choe, and Robert W. Insalaco. The two non-signing inventors are Messrs. Joseph Chi-Chen Ho and Bill Chen-Hsun Yen. The last known addresses of the non-signing inventors are as follows: Joseph Chi-Chen Ho, 143 Albany Street, #223, Cambridge, Massachusetts, 02139; and Bill Chen-Hsun Yen, 5892 169th Avenue, Bellevue, Washington, 98006.
5. Applicants respectfully submit that neither Mr. Ho nor Mr. Yen was able to be reached or otherwise found after diligent effort undertaken by legal counsel for Applicants. Pertinent facts attesting to these efforts are set forth in the accompanying Affidavits of Mr. Thomas L. Lockhart and Ms. Jodi Russo. As set forth in the Affidavits, Mr. Lockhart is a patent attorney representing the Applicants. Ms. Russo is a paralegal in Mr. Lockhart's law firm, having substantial experience with respect to administrative matters associated with patent prosecutions.
6. Ongoing efforts to find or otherwise reach both Mr. Ho and Mr. Yen are continuing. It is expected that when these non-signing inventors are found, each will subsequently join in the above-identified application by filing a Declaration complying with 37 C.F.R. §1.63.
7. As set forth in the Affidavits, the above-identified patent application was originally the subject of a provisional patent application filed on September 4, 2002. The provisional application identifies five individuals as inventors. These are the same individuals identified as inventors for the current patent application. The provisional patent application (and subsequent corresponding patent applications) is assigned to Herman Miller, Inc. ("Herman Miller"). Mr. Lockhart's law firm represents Herman Miller.
8. An International PCT application, corresponding to the provisional application, was filed on September 4, 2003. The PCT application is identified as Application No. PCT/US03/27804. The United States was identified as one of the designated states.

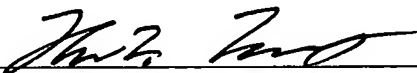
9. On March 4, 2005, the current U.S. patent application was filed as a National Stage application under 35 U.S.C. §371. The national stage application claimed priority of the originally filed provisional patent application, and was based on the International PCT application.
10. Mr. Lockhart and Ms. Russo were able to obtain signed Declarations from Mr. Insalaco, and Mss. Kennedy and Choe. These Declarations are enclosed herewith. Each of these Declarations also identifies, as co-inventors, Messrs. Ho and Yen.
11. As set forth in the enclosed Affidavits, Mr. Lockhart and Ms. Russo were previously informed that Messrs. Ho and Yen were no longer at their prior known addresses. Further, neither Ms. Kennedy nor any of her employees or other associates were aware of any current addresses for these two inventors.
12. Various diligent efforts were undertaken by Mr. Lockhart, Ms. Russo and employees of Herman Miller in attempting to locate Messrs. Ho and Yen. These activities include online searching, attempting to make indirect contacts through Ms. Kennedy and Herman Miller personnel, and similar search activities. These activities have been ongoing. However, neither Mr. Ho nor Mr. Yen has been located.
13. In view of the foregoing information, payment of the appropriate fees, the enclosed Declarations and the accompanying Affidavits of Mr. Lockhart and Ms. Russo, Applicants respectfully request that the current application be accepted as meeting all the requirements of 35 U.S.C. §371(c), and that the application is in order for purposes of processing. In this regard, Applicants also request, under 35 U.S.C. §371(f), that the national stage of processing be commenced immediately.

Should any questions arise in connection with the foregoing Petition, Applicants' request that the Petitions Office please contact Thomas L. Lockhart at the telephone number of (616) 336-6000.

Respectfully Submitted,

SHEILA KENNEDY; BILL CHEN-HSUN YEN; JOSEPH CHI-CHEN HO; SENAN CHOE; AND ROBERT W. INSALACO

Dated 6/5/2006

By   
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